

Decision **ALTERNATE PROPOSED DECISION OF COMMISSIONER FLORIO**
 (Mailed 12/15/2014)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Application of Southern California Edison Company (U338E) for Approval of its 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets. | Application 11-05-017 (Filed May 16, 2011) |
| And Related Matters. | Application 11-05-018 Application 11-05-019 Application 11-05-020 |

DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-08-044

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| Claimant: The Utility Reform Network (TURN) | For contribution to Decision (D.) 12-08-044 |
| Claimed (\$): 162,339.06 | Awarded (\$): \$137,592.08 (reduced 15.2%) |
| Assigned Commissioner: Catherine J.K. Sandoval | Assigned ALJ: Kimberly H. Kim |

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: In D.12-08-044, *Decision on Large Investor-Owned Utilities' 2012-2014 Energy Savings Assistance Program (ESAP) (Formerly Referred to as Low Income Energy Efficiency of LIEE) and California Alternate Rates for Energy (CARE) Applications*, the Commission authorized budgets for the ESAP and CARE programs during the 2012-2014 program cycle. The Commission also addressed policy issues related to the administration and implementation of these low-income programs.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code Sections 1801-1812:

| | Intervenor | CPUC Verified |
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| Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)): | | |
| 1. Date of Prehearing Conference: | August 8, 2011 | Correct. |
| 2. Other Specified Date for NOI: | N/A | |
| 3. Date NOI Filed: | September 7, 2011 | Correct. |
| 4. Was the NOI timely filed? | | Yes. |
| Showing of customer or customer-related status (§ 1802(b)): | | |
| 5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number: | AT10-08-016 | Correct. |
| 6. Date of ALJ ruling: | Nov. 22, 2010 | Correct. |
| 7. Based on another California Public Utilities Commission (CPUC or Commission) determination (specify): | | |
| 8. Has the Claimant demonstrated customer or customer-related status? | | Yes. |
| Showing of “significant financial hardship” (§ 1802(g)): | | |
| 9. Based on ALJ ruling issued in proceeding number: | AT10-08-016 | Correct. |
| 10. Date of ALJ ruling: | Nov. 22, 2010 | Yes. |
| 11. Based on another CPUC determination (specify): | | |
| 12. Has the Claimant demonstrated significant financial hardship? | | Yes. |
| Timely request for compensation (§ 1804(c)): | | |
| 13. Identify Final Decision: | D.12-08-044 | Correct. |
| 14. Date of Issuance of Final Order or Decision: | August 30, 2012 | Correct. |
| 15. File date of compensation request: | October 29, 2012 | Correct. |
| 16. Was the request for compensation timely? | | Yes. |

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a) & D.98-04-059):**

| Intervenor's Claimed Contribution(s) | Specific References to Intervenor's Claimed Contribution(s) | CPUC Discussion |
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| <u>Issues Common to CARE & ESAP</u> | | |
| TURN demonstrated that the Low Income Needs Assessment should be updated prior to planning for the next program cycle. | <ul style="list-style-type: none"> • D.12-08-044, at 256-259 • Resp. of TURN to the 12/28/11, questions of ALJ Kim, filed 1/23/12 at 13-15 (first raising the issue of the need for the next Low Income Needs Assessment). • TURN Reply Brief at 7-10. • TURN Comments on the PD at 15. | Agreed. As stated in D.12-08-044, TURN was not the only party to advocate for this position. <i>"Several parties, including CforAT, DRA, TURN, La Cooperativa and Greenlining, have called for a new Low-Income Needs Assessment to be conducted during this funding cycle"</i> D.12-08-044 at 256 (<i>emphasis added</i>). |
| <u>CARE Issues</u> | | |
| TURN demonstrated that Pacific Gas and Electric Company's (PG&E's) proposal to place additional requirements on very high usage CARE customers should be modified to incorporate certain consumer protections, including an appeals process before automatic removal from CARE due to high usage; requirements that notices be accessible to customers with disabilities or without English language proficiency; and outreach about Medical Baseline. | <ul style="list-style-type: none"> • D.12-08-044 at 220 (appeals process, accessible notices), 221 (Medical Baseline program referral). • TURN/GL/ Center for Accessible Technology (CforAT) Testimony (Goodson) at 8-10 (accessible notices), at 10-11 (appeals process) at 11 (Medical Baseline outreach). • TURN Opening Brief at 25-28. • TURN Comments on PD at 11-13. | Agreed. Other parties, however, advocated similar positions. <i>See e.g., Greenlining Opening Brief at 16-17.</i> |
| TURN demonstrated that PG&E's proposal for very high usage | <ul style="list-style-type: none"> • D.12-08-044, at 219-220. | Agreed. |

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| <u>Issues Common to CARE & ESAP</u> | | |
| CARE customers should be modified to require customers with usage at or above 600% of baseline to undergo heightened post-enrollment verification and enroll in ESAP, the same requirements PG&E proposed to place on customers with usage between 400%-600% of baseline. | <ul style="list-style-type: none"> • TURN/GL/CforAT Testimony (Goodson) at 7. • TURN Opening Brief at 22-24. • TURN Comments on the PD at 11-12. | |
| TURN demonstrated that clear guidelines governing when a very high usage customer has failed to satisfy the ESAP requirement should be in place, given that customers could enroll but never follow through with the energy audit. | <ul style="list-style-type: none"> • D.12-08-044, at 221. • TURN/GL/CforAT Testimony (Goodson) at 7-8 • TURN Opening Brief at 24 (accepting the guidelines PG&E proposed to address the concern raised by TURN, which were adopted in D.12-08-044). | Agreed. |
| TURN demonstrated that the Proposed Decision's 60-day removal rule for very high usage CARE customers should be modified. | <ul style="list-style-type: none"> • <i>Compare</i> D.12-08-044, at 219-220 ("CARE electric customers with electric usage above 600% of baseline in any monthly billing cycle will have 90 days to drop usage below 600% baseline in any monthly billing cycle or be de-enrolled and barred from the program for 24 months," subject to an appeals process) <i>with</i> Proposed Decision on 5/4/12 at 182 (requiring "customers with usage above 600% of baseline to drop usage substantially or be removed and barred from the program for 24 months"). • TURN Comments on the PD at 12-13 (arguing that 60 days is too short, that the PD's standard was impermissibly vague because it did | Agreed. Other parties, however, advocated similar positions. <i>See e.g.</i> , Greenlining Comments on PD at 9-10. |

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| | not define a "substantial" reduction in usage and did not specify whether usage would be measured on a monthly basis or some other basis, and that dropping customers from CARE solely based on usage was unlawful). | |
| TURN contributed to the Commission's determination that the new policy for very high usage CARE customers should apply to SCE's and SDG&E's customers, in addition to PG&E's customers, by showing that the prevalence of very high usage customers is similar for all three utilities. | <ul style="list-style-type: none"> • D.12-08-044, at 219 requiring statewide applications to all electric Investor-Owned Utilities (IOUs). • TURN Opening Brief at 30-32. | Agreed. |
| While the Commission did not adopt TURN's recommendation that the utilities be required to offer cash-only workers who are very high usage customers an income verification option other a state or federal tax return, TURN demonstrated the importance of meeting the needs of the CARE-eligible population with cash-only employment during the income verification process. | <ul style="list-style-type: none"> • D.12-08-044, at 257 (directing that the next Low Income Needs Assessment should "identify what portion of CARE and ESAP Program eligible population constitutes cash only workers who are unable to show proof of income documentation, and examine potential methods of enhancing the income verification process for that population.") • TURN/GL/CforAT Testimony (Goodson) at 12. • TURN Opening Brief at 29-30. | Agreed. |
| TURN contributed to the Commission's determination that CARE customers participating in a "categorical" means-tested program should continue to be able to enroll in CARE through | <ul style="list-style-type: none"> • D.12-08-044 at 211 ("Based on the record, we find that we should retain our Categorical Eligibility and Enrollment Program, with some modifications, to continue to allow ease of access for enrolling | Agreed. As stated in the Decision, "DRA, TURN and other parties appropriately point out that |

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| <u>Issues Common to CARE & ESAP</u> | | |
| <p>"categorical enrollment" and should not, as a general matter, be required to additionally provide proof of income.</p> | <p>customers into the CARE program").</p> <ul style="list-style-type: none"> • D.12-08-044, at 206, 210 (discussing TURN's position). • <i>Compare</i> D.12-08-044, at 213 (retaining categorical enrollment and directing the IOUs to employ post-enrollment verification (PEV) of such customers based on statistical sampling, the same approach to be applied for all CARE enrollees) <i>with</i> Proposed Decision on 5/4/12 at 179 (requiring 100% of categorically enrolled customers to undergo PEV within 3 months). • TURN Comments on the PD at 10, (supporting and incorporating by reference the arguments of ORA¹, CforAT and GL advocating changes to the PD's treatment of PEV of categorically enrolled CARE customers) • TURN <i>Ex Parte</i> Notices filed 6/1/12, 7/2/12 and 7/5/12 at 1-2 (advocating removal of the PD's proposed 100% PEV rate for categorically enrolled CARE customers). • <i>Ex Parte</i> Notice filed by ORA on behalf of ORA, TURN, Greenling and CforAT on 6/26/12, | <p>Categorical Eligibility program process results in CARE administrative savings and therefore such program should not be eliminated." D.12-08-044 at 210 (<i>emphasis added</i>).</p> <p>The Commission agrees that TURN incorporated by reference the arguments of other parties into the Comments it filed.</p> |

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013) which was approved by the Governor on September 26, 2013.

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| <u>Issues Common to CARE & ESAP</u> | | |
| | Attachment A at 2-3 and Attachment D (addressing categorical enrollment and PEV). | |
| TURN contributed to the Commission's determination that the list of categorical eligibility programs should not be changed at this time but that changes should be explored through additional investigation in the future. | <ul style="list-style-type: none"> • D.12-08-044, at 212-213 (retaining all previously approved categorical enrollment programs for now, but directing the IOUs to propose changes to the list annually through a Tier 2 Advice Letter process, which would permit stakeholders to review and protest, if necessary, the IOUs' proposed changes). • Reply Testimony of Hayley Goodson on Behalf of TURN at 1-5. • TURN Opening Brief at 16-19. | Agreed. |
| TURN contributed to the Commission's determination that CARE <i>post-enrollment verification</i> should be based on probability sampling and modeling, rather than targeted at 100% of enrollees or another fixed percentage of enrollees. This issue is distinct from the related issue above because it deals with PEV for the entire CARE population, rather than PEV policies specific to the CARE population that enrolled through "categorical enrollment." | <ul style="list-style-type: none"> • D.12-08-044, at 213 (concluding that PEV is to be conducted via statistical sampling, rather than at a predetermined rate) and at 214-215 (directing the IOUs to propose interim verification rates for PEV, based on statistical probability modeling, that are not to exceed 200% of their 2011 PEV rates). • <i>Compare</i> D.12-08-044 at 213, 214-215 <i>with</i> Proposed Decision on 5/4/12 at 179 (requiring all categorically enrolled customers to undergo PEV within 3 months, and 25% of all CARE customers to under PEV each year) <i>and</i> Proposed Decision Revision 1 on 7/27/12 at 220 (requiring post-enrollment verification of 2% of the CARE population – enrolled by-either self-certification or categorical | Agreed. The Commission agrees that TURN incorporated by reference the arguments of other parties into the Comments it filed. |

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| <u>Issues Common to CARE & ESAP</u> | | |
| | <p>enrollment -- per month).</p> <ul style="list-style-type: none"> • TURN Comments on the PD at 10 (supporting and incorporating by reference the arguments of ORA, CforAT and GL advocating changes to the PD's treatment of PEV). • TURN <i>Ex Parte</i> Notices filed 6/1/12 at 2, 7/2/12 at 2 and 7/5/12 at 1-2 (advocating rejection of the PD's proposed 25% PEV rate for all CARE enrollments and use of statistical modeling to target PEV). • <i>Ex Parte</i> Notice filed by ORA on behalf of ORA, TURN, Greenling and CforAT on 6/26/12, Attachment A at 2-3. | |
| <p>TURN contributed to the Commission's determination that CARE <i>re-certification verification</i> should be based on probability sampling and modeling, and should be applied to a modest fraction of the population of CARE customers re-certifying their eligibility for CARE each year. This approach was adopted instead of the approach in the Proposed Decision and Revision 1 to the Proposed Decision, wherein 100% of customers seeking to re-certify their eligibility for CARE would be required to provide income documentation, and the approach in Revision 2 to the Proposed Decision, which permitted customers who originally enrolled through "categorical enrollment" to re-</p> | <ul style="list-style-type: none"> • D.12-08-044, at 213 (concluding that re-certification verification is to be conducted via statistical sampling, rather than at a predetermined rate) and at 214-215 (directing the IOUs to propose interim verification rates for re-certification verification, based on statistical probability modeling, that are not to exceed 200% of their 2011 PEV rates). • <i>Compare</i> D.12-08-044, at 213, 214-215 <i>with</i> Proposed Decision 5/4/12, at 179 <i>and</i> Proposed Decision Revision 1 on 7/27/12 at 219 (ending self-certification and instead requiring income documentation from all CARE customers going through the re-certification process) <i>and</i> Proposed Decision Revision 2 on | <p>Agreed.</p> |

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| certify by submitting proof of enrollment rather than proof of income. | <p>8/13/12 at 219 (requiring categorically enrolled customers to provide proof of enrollment in the categorical program and all other CARE customers to submit proof of income).</p> <ul style="list-style-type: none"> • <i>Ex Parte</i> Notice filed by GL on behalf of GL, TURN, CforAT, and ORA, on 8/1/12, Attachments (advocating a limited, targeted re-certification verification approach, rather than requiring income documentation from 100% of CARE re-certifications, as the PD Revision 1, proposed). | |
| <u>ESAP Issues</u> | | |
| TURN contributed to the Commission's determination that the cost-effectiveness methodology applied to ESAP should be re-examined, with potential changes to be applied to program design as soon as possible. While the Commission did not adopt TURN's proposals for cost-effectiveness methodological changes to be applied immediately, the Commission adopted a Working Group process during which TURN's proposed changes, as well as those of other parties, will be explored for potential application in 2015-2017. | <ul style="list-style-type: none"> • D.12-08-044, at 74-76. • Testimony of Cynthia Mitchell on Behalf of TURN at 13-14. • Reply Testimony of Cynthia Mitchell on Behalf of TURN at 6-7, 12. • TURN Resp. to ALJ Kim's 12/28/11 Questions filed 1/23/12, at 9-10. • TURN Opening Brief at 5-8. | Agreed. |
| TURN demonstrated that the energy savings figures in the 2009 | <ul style="list-style-type: none"> • D.12-08-044, at 106-107 ("This approval of Room Air Conditioner | Agreed. |

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| <u>Issues Common to CARE & ESAP</u> | | |
| <p>Impact Evaluation should not be used to justify excluding Room Air Conditioners because of their questionable accuracy and that the cost-effectiveness of this measure might change under the forthcoming re-examination of the ESAP cost-effectiveness approach.</p> | <p>for all housing types in climate zones 10 and 13 will be solely for this program cycle with the understanding that we are re-examining and updating the energy savings figures in this cycle in a new Impact Evaluation Study and concurrently reexamining the cost-effectiveness approach used in this program during this cycle ... which ... will relate to how the Commission will view this measure in future cycles.”)</p> <ul style="list-style-type: none"> • TURN Comments on the PD at 6-7 (“CE results based on the 2009 Impact Evaluation for Room and Central AC measures should likewise not be used to justify their retirement in this program cycle. ... Before dropping these measures, the Commission should first revise the CE methodology to facilitate more comprehensive treatment of homes (including HVAC measures) and otherwise explore how to make HVAC measures more cost-effective, particularly in the Central Valley climate zones served by PG&E.”) • <i>See also, i.e.,</i> TURN Opening Brief at 3-5. | |
| <p>TURN contributed to the Commission's determination that Room Air Conditioners should be approved for this program cycle for all housing types in climate zones 10 and 13, which the Proposed Decision originally excluded.</p> | <ul style="list-style-type: none"> • <i>Compare</i> D.12-08-044, at 106-107 (SCE), at 108 (SDG&E) at 111 (PG&E, SDG&E) <i>with</i> Proposed Decision (5/4/12), at 87 (SCE, SDG&E) at 88-89 (PG&E, SDG&E). • TURN Comments on the PD at 5-7. | <p>Agreed.</p> |

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| <u>Issues Common to CARE & ESAP</u> | | |
| | <ul style="list-style-type: none"> • See also, <i>i.e.</i>, TURN Opening Brie, at 9-10. | |
| TURN demonstrated that the Commission should reject SCE's proposal to retire Central Air Conditioner Service. | <ul style="list-style-type: none"> • D.12-08-044, at 113-114. • TURN Reply Brief at 1-5. | Agreed. |
| TURN contributed to the Commission's determination that the percentage of low income customers that are presumed to be unwilling to participate in low income programs should not be increased, as proposed by the IOUs, but should be kept at 5%. | <ul style="list-style-type: none"> • D.12-08-044, at 262, 264-265. • TURN Opening Brief at 14-15. • Reply Testimony of Cynthia Mitchell on Behalf of TURN at 4. | Agreed. Other parties, however, advocated similar positions. See D.12-08-044 at 262. |
| TURN contributed to the Commission's determination that ESAP should be coordinated with Energy Upgrade California (EUC) to the extent practicable and otherwise modified to encourage "whole house" treatment of and deeper energy savings in low-income homes. | <ul style="list-style-type: none"> • D.12-08-044, at 161-163 (with a focus on the multifamily segment). • TURN Opening Brief at 5, 33-35. • Testimony of Cynthia Mitchell on Behalf of TURN at 5, 13-17. | Agreed. |
| TURN contributed to the Commission's determination that pilots intended to improve ESAP in the multi-family rental housing sector should focus on the integration of ESAP with EUC Multifamily programs and the Middle Income Direct Install (MIDI) program, offer a single point of contact that leverages and coordinates EE incentives for the installation of common area measures, and test operational and administrative efficiencies in enrollment and installation | <ul style="list-style-type: none"> • D.12-08-044, at 12, 157-167. • TURN Opening Brief at 13-14. • Testimony of Cynthia Mitchell on Behalf of TURN at 17. | Agreed. |

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| <u>Issues Common to CARE & ESAP</u> | | |
| practices, including a whole neighborhood approach. | | |
| TURN contributed to the Commission's determination that coordination between ESAP and Consumer Services Division's Low- Income Energy Assistance Program /Water Action Plan should be improved. | <ul style="list-style-type: none"> • D.12-08-044, at 51-52. • Testimony of Cynthia Mitchell on Behalf of TURN at 11. | Agreed. |
| TURN contributed to the Commission's determination that community based organizations (CBOs) have an important role to play in outreach for ESAP | <ul style="list-style-type: none"> • D.12-08-044, at 67 (encouraging the IOUs to utilize, where appropriate, community based organizations as a resource in outreach for ESAP and CARE). • Reply Testimony of Cynthia Mitchell on Behalf of TURN at 11 (supporting Joint Parties' recommendation re: use of CBOs for outreach). • TURN Opening Brief, at 35, 38 (discussing the role of CBOs in expanding the reach of ESAP). | Agreed. |
| TURN contributed to the Commission's determination that it should clarify that ESAP funding for furnace and water heater repair/replacement in rental units is not prohibited by law, and that the policy matter of whether such measures should be funded through ESAP should be addressed in Phase 2. | <ul style="list-style-type: none"> • D.12-08-044, at 102-104. • <i>Compare</i> D.12-08-044, at 102-104 <i>with</i> Proposed Decision on 5/4/12 at 85-86. • TURN Comments on the PD at 9 (supporting the arguments of National Consumer Law Center, Inc. (NCLC)). • TURN <i>Ex Parte</i> Notice on 6/27/12, Attachment 2. • TURN <i>Ex Parte</i> Notice on 7/2/12, Attachment 1 at 2. | Agreed. TURN, along with other parties, advanced this position. |

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

| | Intervenor's Assertion | CPUC Discussion |
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| a. Was the ORA a party to the proceeding? | Yes | Correct. |
| b. Were there other parties to the proceeding with positions similar to yours? | Yes | Correct. |
| c. If so, provide name of other parties: TURN's positions overlapped to various degrees with the following parties: ORA, CforAT), GL, NCLC, California Housing Partnership Corporation (CHPC), National Housing Law Project (NHLP), and the Natural Resources Defense Council (NRDC). | | Agreed. |
| d. Intervenor's claim of non-duplication: TURN's efforts to coordinate with other parties with similar interests were extensive and effective at ensuring that TURN was able to minimize or avoid undue duplication in our participation in this proceeding. <u>CARE Issues</u> TURN sponsored direct testimony on behalf of TURN, CforAT and GL which addressed PG&E's high users' proposal. This coordination avoided duplication on this issue. TURN also coordinated with CforAT and GL in addressing this issue in comments on the PD and in post-PD advocacy efforts. By agreement among the parties, TURN took the lead in most thoroughly addressing high users in comments on the PD, which allowed all of us to avoid duplication and other parties to complement TURN's showing. TURN additionally coordinated closely with ORA, CforAT and GL on CARE eligibility and enrollment issues. TURN complemented the showings of those parties in reply testimony and briefing. By agreement, those parties took the lead on addressing this issue in comments on the PD, and TURN supported their comments by reference rather than duplicating efforts. TURN also coordinated with ORA, CforAT and GL in responding to Questions 3, 4, and 7 in ALJ Kim's Dec. 28, 2011 ruling. All four parties filed a joint response to these questions, which addressed the size of the CARE discount (Q3, 4) and categorical enrollment (Q7) on January 23, 2012. By agreement among the parties, TURN, ORA drafted the response to Questions 3 and 4, and ORA drafted the response to Question 7. Likewise, TURN coordinated with CforAT in responding to Question 5 of ALJ Kim's questions. CforAT prepared a response, and TURN | | Verified, <i>but see</i> "CPUC Disallowances and Adjustments" in Part III.D, where we reduce TURN's claim in part because of duplication of effort. The Commission agrees with TURN's assessment that some degree of duplication between parties is unavoidable in proceedings with many intervenors. |

incorporated that response by reference in comments filed January 13, 2012.

Finally, TURN worked closely with ORA, CforAT and GL in preparing for the All Party Meeting held by Commissioner Florio's office on the PD, as well as in various lobbying efforts. Different parties took the lead on different tasks, allowing the others to expend more modest amounts of time on collective efforts towards changes to the PD.

TURN's timesheets reflect the efficiencies created by all of these coordination efforts, as do those of the parties with whom we collaborated.

ESAP Issues

TURN coordinated closely with ORA on a broad array of ESAP issues from the outset of this proceeding. We worked together on issue identification and avoiding duplication in our respective efforts at each stage in the proceeding. TURN similarly coordinated with NRDC on issue identification and development, creating cross-pollination and efficiencies for both parties.

Additionally, TURN met with the parties concerned about Workforce Education and Training issues early in this proceeding, the result of which was that TURN deferred to those parties to address such issues. TURN also met with several parties interested in improving the treatment of multifamily housing through ESAP (and other ratepayer funded EE programs), including NCLC/CHPC/NHLP and The East Los Angeles Community Union, et al. at various points in the proceeding. This coordination allowed for exchanges of information and collaboration where possible. For instance, by virtue of TURN's coordination with NCLC/CHPC/NHLP, TURN was able to incorporate support for NCLC's legal argument about the PD's treatment of furnaces and water heaters in rental units into our opening comments, rather than risk duplicating NCLC's showing. (See TURN Comments on the PD at 9).

Once the PD was issued, TURN coordinated very closely with ORA and NRDC on advocating various changes to the PD, similar to the coordination TURN had with other parties on the CARE issues. TURN also coordinated with NCLC/CHPC/NHLP to the extent feasible.

CARE/ESAP Issues

TURN coordinated with ORA and CforAT on the issue of updating the Low Income Needs Assessment. TURN first raised this issue in responding to Question 39 in ALJ Kim's Dec. 28,

2011 ruling. While TURN took the lead in initially developing and presenting this issue, when it came to briefing the issue, CforAT took the lead, and TURN complemented CforAT's showing in our reply brief. This coordination created efficiencies for both parties.

Summary

In a proceeding such as this where many stakeholder groups are encouraged to participate, some degree of duplication may be practically unavoidable.² TURN and other parties at times supported overlapping recommendations, but TURN's compensation in this proceeding should not be reduced for duplication of the showings of other parties. Moreover, in those instances, TURN sought to bolster support for the proposal by emphasizing distinct facts or authority to support the recommendation.

In these circumstances, TURN submits that the Commission should find that there was no undue duplication, as any duplication served to materially supplement, complement or contribute to the showing of another party and, therefore, is fully compensable under PU Code Section 1802.5. Hence, the Commission should not reduce TURN's award of compensation due to duplication.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

² See, i.e. D.96-08-040 (67 CPUC 2d 562, 575-576.X)("[B]ecause of the extraordinary level of participation required of both parties and intervenors throughout these proceedings, we find that a reduction in the amount awarded to intervenors based on duplication of effort is unwarranted. Section 1803(b) requires that the awarding of fees to intervenors "be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process." Each of the intervenor groups clearly has a stake in the process of restructuring California's electrical services industry and we are grateful for their participation in these proceedings. Moreover, we rely on them to continue their effective and efficient participation in our proceedings as we move forward with the many implementation tasks ahead. [footnote omitted][¶] In a broad, multi-issue proceeding such as this, we expect to see some duplication of contribution. This duplication does not diminish the value of that contribution to the Commission. In our view, to deduct from an award of reasonable fees in this case would not encourage the effective and efficient participation of all stakeholders in the spirit of § 1801.3(b).")

| a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation: | CPUC Discussion |
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| <p>TURN's request for intervenor compensation seeks an award of approximately \$162,339.06 as the reasonable cost of our participation in this two and a half year proceeding. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the benefits to customers.</p> <p>TURN's advocacy reflected in D.12-08-044 addressed policy matters related to the CARE and ESAP programs, rather than specific rates or disputes over particular dollar amounts. The CARE program is intended to increase the affordability of natural gas and electricity services for low-income utility customers. The ESAP program likewise is intended to advance the affordability of utility services by helping customers reduce consumption, thereby also providing ratepayers with an energy resource. ESAP also seeks to improve the health, comfort and safety of low-income households. Thus, TURN cannot easily identify precise monetary benefits to ratepayers from our work in this proceeding, given the nature of the issues presented. For this reason, the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with TURN's participation. (<i>See i.e.</i> D.07-12-040, at 21 (awarding TURN intervenor compensation for EE policy work in A.05-06-004 et al.).)³</p> <p>Despite the lack of easily quantifiable customer benefits, TURN submits that its positive impact on the CARE and ESAP programs</p> | <p>Verified, <i>but see</i> "CPUC Disallowances and Adjustments" in Part III.D.</p> |

³ *See also* D.99-12-005, pp. 6-7 (Compensation Decision in 1995 Storm Phase of PG&E GRC, A.97-12-020) and D.00-04-006, pp. 9-10 (Compensation Decision in Edison PBR Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN's participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility's operations, and particularly its preparedness and performance in the future); D.00-05-022 (Compensation Decision in the Emergency Standards Proceeding) (awarding TURN \$92,000 in D.00-10-014 for our substantial contribution to the earlier decision, despite TURN's inability to assign a dollar value to the benefit of our participation in order to demonstrate "productivity." Interestingly, the Commission awarded compensation even though the emergency restoration standards may never come into play in the future, since they come into play only after a "major outage," which is defined as impacting more than 10% of a utility's customers. The contingent nature of the future standards did not cause the Commission to hesitate in awarding TURN compensation.).

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| <p>will afford low-income residential customers expanded opportunities to avoid service termination and to continue receiving gas and electricity services. Because utility shutoffs trigger all kinds of financial impacts, including service reinstatement costs, food spoilage and replacement costs, and possibly eviction, in addition to a host of health and safety issues, policies that assist consumers in being able to pay their bills and avoid shutoffs bestow enormous benefits upon those Californians most in need of assistance.</p> <p>TURN furthermore submits that our contributions to the ESAP program in this proceeding will afford the ratepayers of PG&E, SCE, SDG&E and Southern California Gas Company with significant benefits, as the establishment of EE policies has a direct and lasting impact on customer rates. The ESAP program, as an EE program, will yield demand side resources designed to displace supply side resource procurement. As the energy crisis demonstrates, procurement costs can be a major driver of utility outlays and retail rates. The astronomical rate increases of 2001 can be linked to the extraordinary costs of wholesale electricity. In the future, procurement expenditures may continue to represent the least predictable component of utility costs. Therefore, appropriate EE (and integrated resource planning) policies and prudent planning practices will be essential to maintaining both low and stable rates. TURN's contributions to this proceeding will assist the Commission in achieving its EE goals, as well as the mandates of AB 32. Moreover, TURN's contributions will promote long-term rate stability, reduce risks to ratepayers and contribute to resource diversity that should help to mitigate the impact of future market dysfunction.</p> <p>For all of these reasons, the Commission should find that TURN's efforts have been productive.</p> | |
| <p>b. Reasonableness of Hours Claimed.</p> <p>This Request for Compensation includes nearly 600 hours for TURN's attorneys and consultant time covering 15 months of work. TURN's efforts reflected herein resulted in numerous contributions to D.12-08-044 related to ESAP and CARE, detailed above, and encompass the preparation of direct and rebuttal testimony by two expert witnesses and approximately a dozen formal filings by TURN, plus numerous other activities related to active participation in this proceeding. Such efforts included but were not limited to attending workshops and advocacy after the</p> | <p>The reasonableness of hours claimed by TURN is problematic because the compensation requested by TURN is excessive in light of the fact that internal duplication and duplication between parties occurred.</p> <p>TURN's timesheet additionally reflects internal duplication and</p> |

issuance of the PD, including participation in an All Party Meeting and several *Ex Parte* meetings. For all of these reasons, as well as those provided below, TURN submits that the number of hours for each TURN representative is reasonable.

TURN Staff Hours

TURN assigned two staff attorneys to this proceeding, Marybelle Ang and Hayley Goodson. Ms. Ang covered ESAP issues, while Ms. Goodson covered CARE issues and common CARE/ESAP issues. This division of labor was efficient because Ms. Ang was also TURN's lead attorney in R.09-11-014, the non-low income EE proceeding. Her advocacy in this docket benefitted from her familiarity with the CPUC's current EE policies and those policies under consideration in R.09-11-014. Ms. Goodson was a sensible choice for covering the CARE issues because she was also TURN's attorney in R.10-02-005, the Disconnections Rulemaking, wherein affordability issues faced by low-income customers have been considered. She also has significant rate design experience. The hours Ms. Goodson and Ms. Ang devoted to coordinating their respective responsibilities represent a modest fraction of the total hours expended by each.

This division of labor continued until the end of April, 2012, when Ms. Ang went on parental leave from TURN. At that point, Ms. Goodson assumed full responsibility for this proceeding, including reviewing the Proposed Decision issued on May 4, 2012, preparing comments, and participating in post-PD advocacy efforts related to CARE and ESAP. As Ms. Ang is still on leave from TURN, Ms. Goodson has been assigned the task of preparing this request for compensation.

TURN Consultant Hours

TURN also relied on outside expert consultants Cynthia Mitchell and her associate Gillian Court, of Energy Economics, Inc., and Greg Ruzzovan of JBS Energy, Inc. These consultants supported TURN's work on ESAP

Ms. Mitchell sponsored direct and reply testimony on behalf of TURN and assisted TURN with analysis reflected in TURN's pleadings. Mr. Ruzzovan provided TURN with additional analysis used in briefing.

Meetings

A very small number of hourly entries reflect meetings attended by TURN's attorney and consultant, or by more than one TURN attorney or consultant. TURN submits that these hours do not

excessive hours claimed.

Approximately 30% of TURN's claimed hours can potentially be classified as relating to reading or reviewing documents or discussing or e-mailing issues, both between TURN staff and outside experts and with other intervenors. We find this process duplicative and believe it resulted in excessive hours given the level of [intervenor's] contributions to this proceeding.

The Commission agrees that TURN's work in this proceeding was often both internally duplicative, particularly in light of the contributions TURN made to this proceeding, and excessive. As such, the Commission determined a 15% reduction to TURN's claim, for excessive hours claimed and some internal duplication, would be appropriate.

reflect internal duplication. Rather, such participation was essential to TURN's development and implementation of its strategy for this proceeding. TURN's requested hours are limited to those where the attorney's or expert's presence at a meeting was necessary in order to achieve the meeting's purpose. Such meetings can be part of an intervenor's effective advocacy before the Commission, and as such, intervenor compensation can and should be awarded for the time of all participants where each participant is needed to advance the intervenor's advocacy efforts. (On the other hand, in some cases, TURN has included the hours of only one attorney or consultant, even where the meeting description includes the participation of more than one TURN representative).

Summary

TURN submits that the Commission should find the hours requested here to be reasonable under the circumstances, and that TURN's showing supports that conclusion. However, should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, TURN requests the opportunity to supplement this section of the request.

c. Allocation of Hours by Issue

TURN has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. TURN has used the following activity codes:

| Code | Description | Allocation of Time |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| # | The work in in this category was substantive in nature but not specific to any one issue area. | |
| ALJQ | This work in this category was related to responding to the questions put forth by ALJ Kim in her 12/28/11 Ruling. | |
| C/E | Work related to the cost-effectiveness of ESAP. | |
| CARE-# | Similar to the work categorized as "#", the work in this category pertained to more than one CARE issue area. | |
| CARE-ALJQ | The work in this category is of the same nature as "ALJQ" work but is specific to CARE rather than to issues that cannot readily be allocated to CARE or ESAP. | |

Verified.

| | | | | |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------|--|
| CARE-GP | The work in this category is of the same nature as "GP" work but is specific to CARE rather than to common CARE and ESAP issues. | | 1.0% | |
| CARE-PD | The work in this category is of the same nature as "PD" work but is specific to CARE rather than to issues that cannot readily be allocated to CARE or ESAP. | | 1.1% | |
| Comp | Intervenor Compensation: work preparing TURN's NOI and Request for Compensation. | | 4.0% | |
| Elig/Enrl | Work related to CARE eligibility and enrollment policies. | | 4.1% | |
| ESAP-# | Similar to the work categorized as "#", the work in this category pertained to more than one ESAP issue area. | | 30.5% | |
| ESAP-ALJQ | The work in this category is of the same nature as "ALJQ" work but is specific to ESAP rather than to issues that cannot readily be allocated to CARE or ESAP. | | 5.3% | |
| ESAP-Coord | This work was related to coordinating TURN's participation on multiple ESAP issues with other parties. Where TURN's coordination activities were specific to an individual issue area, TURN categorized the work using the issue-specific code. | | 2.7% | |
| ESAP-GP | The work in this category is of the same nature as "GP" work but is specific to ESAP rather than to common CARE and ESAP issues. | | 2.2% | |
| ESAP-PD | The work in this category is of the same nature as "PD" work but is specific to ESAP rather than to issues that cannot readily be allocated to CARE or ESAP. | | 9.1% | |
| GP | The work in this category includes activities associated with general participation in this proceeding, such as attending the PHC, preliminary coordination discussions with other parties, and reading ALJ procedural rulings and parties' pleadings as necessary to determine whether TURN should address the issues raised. | | 6.5% | |
| Impln | Work related to ESAP implementation issues | | 1.0% | |
| LINA | Work addressing the Low Income Needs Assessment. | | 1.3% | |
| MF | Work related to improving the treatment of multifamily housing through ESAP and | | 2.7% | |

| | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------|--|
| | other EE programs. | | | |
| Msrs | Work related to the mix of measures to be included in the 2013-2014 ESAP program. | | 6.9% | |
| PD | This work was related to the Proposed Decision which preceded D.12-08-044, where such work was not readily allocated to a specific issue code. | | 5.5% | |
| VHU | Work addressing very high electricity users on CARE. | | 5.7% | |
| TOTAL | | 100.0% | | |
| If the Commission believes that a different approach to issue-specific allocation is warranted here, TURN requests the opportunity to supplement this section of the request. | | | | |

B. Specific Claim*:

| CLAIMED | | | | | | CPUC AWARD | | |
|-------------------------------------|------|--------|-------|-----------------------------------------------|-------------|------------|--------------|-------------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Item | Year | Hours | Rate | Basis for Rate* | Total \$ | Hours | Rate | Total \$ |
| Marybelle Ang, TURN Attorney | 2011 | 95.25 | \$280 | D.11-08-013 | \$26,670.00 | 95.25 | \$280.00 | \$26,670.00 |
| Marybelle Ang, TURN Attorney | 2012 | 69.25 | \$300 | Res. ALJ-281, 5% Step Increase plus 2.2% COLA | \$20,775.00 | 69.25 | \$300.00 [1] | \$20,775.00 |
| Hayley Goodson, TURN Attorney | 2011 | 81.75 | \$300 | Res. ALJ-265 and ALJ-247, 5% Step Increase | \$24,525.00 | 81.75 | \$300.00 | \$24,525.00 |
| Hayley Goodson, TURN Attorney | 2012 | 194.25 | \$325 | D.08-04-010, Change in Experience Level | \$63,131.25 | 194.25 | \$325.00 | \$63,131.25 |
| Gillian | 2011 | 12.50 | \$150 | D.12-02- | \$1,875.00 | 12.50 | \$150.00 | \$1,875.00 |

| CLAIMED | | | | | | CPUC AWARD | | |
|----------------------------------------------|-----------|-------|-------|---------------------------------------------------------------|--------------|-------------------------------------------|--------------|----------------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Court, Energy Economics Inc. | | | | 012 | | | | |
| Cynthia K. Mitchell, Energy Economics Inc. | 2011 | 74.25 | \$180 | D.12-02-012 | \$13,365.00 | 74.25 | \$180.00 | \$13,365.00 |
| Cynthia K. Mitchell, Energy Economics Inc. | 2012 | 39.25 | \$180 | Same rate as previously adopted for 2011 in D.12-02-012 | \$7,065.00 | 39.25 | \$185.00 [2] | \$7,261.25 |
| Greg Ruszovan, JBS Energy, Inc. | 2012 | 3.89 | \$195 | Same rate as previously adopted for 2010 in D.12-03-024 at 14 | \$758.55 | 3.89 | \$200.00 [3] | \$778.00 |
| | Subtotal: | | | | \$158,164.80 | Original Subtotal: | | \$158,380.50 |
| | | | | | | 15% deduction for duplication of efforts: | | -23,757.08 [4] |
| | | | | | | | | |
| | | | | | | Subtotal: | | \$134,623.42 |
| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | |
| Item | Year | Hours | Rate | Basis for Rate* | Total \$ | Hours | Rate | Total \$ |
| Hayley Goodson, TURN Attorney | 2011 | 1.00 | \$150 | 1/2 of requested hourly rate for 2011 | \$150.00 | 1.00 | \$150.00 | \$150.00 |

| CLAIMED | | | | | | CPUC AWARD | | |
|-------------------------------------|-----------|-------|-------|---------------------------------------|------------|------------|----------|------------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Hayley Goodson, TURN Attorney | 2012 | 23.00 | \$163 | 1/2 of requested hourly rate for 2012 | \$3,737.50 | 15.00 [7] | \$163.00 | \$2,445.00 |
| | Subtotal: | | | | \$3,737.50 | Subtotal: | | \$2,595.00 |

| COSTS | | | | | |
|--------------------------|--------------|------------------------------------------------------------------|---------------------|------------------------|---------------------|
| # | Item | Detail | Amount | Amount | |
| 1 | Lexis | legal research associated with A.11-05-017 | \$235.58 | | \$235.58 |
| 2 | Phone | phone/fax expense associated with A.11-05-017 | \$45.54 | | \$45.54 |
| 3 | Photocopying | expense associated with copying pleadings related to A.11-05-017 | \$126.20 | | \$63.10 [8] |
| 4 | Postage | expense associated with mailing pleadings related to A.11-05-017 | \$29.44 | | \$29.44 |
| Subtotal: | | | \$436.76 | Subtotal: | \$373.66 |
| TOTAL REQUEST \$: | | | \$162,339.06 | TOTAL AWARD \$: | \$137,592.08 |

*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Travel and Reasonable Claim preparation time typically compensated at 1/2 of preparer's normal hourly rate.

ATTORNEY INFORMATION

| Attorney | Date Admitted to CA BAR⁴ | Member Number | Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation |
|-----------------|--------------------------------------------|----------------------|---------------------------------------------------------------------------------|
| Marybelle Ang | September 18, 2009 | 264333 | No. |
| Hayley Goodson | December 05, 2003 | 228535 | No. |

C. TURN’s Comments on Part III:

| Comment # | Description/Comment |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Comment #1 | <p>2012 Hourly Rate for TURN Attorney Marybelle Ang:</p> <p>In D.08-04-010, the Commission provided for up to two annual 5% “step increases” in hourly rates within each experience level for all intervenor representatives and specifically explained that an attorney would be eligible for additional step increases upon reaching the next higher experience level. (D.08-04-010 at 2, 11-12). The Commission also clarified that “step increases” are in addition to any COLAs. (D.08-04-010 at 12). In Res. ALJ-281, the Commission adopted a 2.2% COLA for 2012 and continued the 5% “step increase” policy adopted in D.08-04-010. (Res. ALJ-281, Ordering Paragraphs 1, 2).</p> <p>TURN seeks an hourly rate of \$300 for Ms. Ang’s work in 2012. This figure represents the hourly rate previously adopted for her work in 2010 and 2011 (\$280 in D.11-08-013), escalated by a 5% step increase and a 2.2% COLA (rounded to the nearest \$5 increment).</p> <p>Ms. Ang is a 2001 graduate of Northwestern University School of Law. Prior to joining TURN as a staff attorney in April 2010, Ms. Ang practiced energy law from late 2001 through 2005 and then spent 4 years with SCE in a project manager position focused on wholesale energy transactions and related procurement issues. In 2010, TURN sought and was awarded an hourly rate of \$280 for Ms. Ang, the low end of the range set for attorneys with 5-7 years of experience. (D.11-06-012 at 22 (adopting the requested rate), and D.08-04-010 at 5 (setting the ranges for 2008)). This is the first step increase TURN has sought for Ms. Ang upon reaching this experience level.</p> |
| Comment #2 | <p>2011 Hourly Rate for TURN Attorney Hayley Goodson:</p> <p>In Res. ALJ-267, the Commission did not adopt any COLA adjustment for 2011.</p> |

⁴ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

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| | <p>However, it explicitly continued the previously adopted policy of “step increases” for 2008 and beyond. (Res. ALJ-247, at 6, Finding #2). In D.08-04-010, the Commission had provided for up to two annual 5% “step increases” in hourly rates within each experience level for all intervenor representatives, and specifically explained that an attorney would be eligible for additional step increases upon reaching the next higher experience level. D.08-04-010 at 2, 11-12.</p> <p>TURN seeks an hourly rate of \$300 for Ms. Goodson’s work in 2011. This figure represents the hourly rate previously adopted for her work in 2010 (\$295, adopted in D.10-12-015) escalated by a 5% step increase to \$310, and then reduced to the hourly rate cap for attorneys with 5-7 years of experience, \$300. (See D.08-04-010 at 5, 11).</p> <p>Ms. Goodson is a 2003 law school graduate. In 2008, TURN sought and was awarded an hourly rate of \$280, the low end of the range set for attorneys with 5-7 years of experience. D.08-08-027 at 5 (adopting the requested rate), and D.08-04-010 at 5 (setting the ranges for 2008). In D.10-12-015, the Commission awarded a 5% step increase to \$295 for Ms. Goodson’s work in 2010. TURN seeks here the second step increase for Ms. Goodson upon reaching the 5-7 year experience level. Ms. Goodson was in her eighth year of practice at TURN in 2011.</p> <p>TURN currently has pending several requests for compensation that seek an hourly rate of \$310 for Ms. Goodson’s work in 2011 (in A.09-09-021, R.10-02-005, and R.09-11-014). This figure represents the hourly rate of \$295 previously adopted for her work in 2010 (in D.10-12-015), escalated by a 5% step increase and rounded to the nearest \$5 increment, which yields \$310. TURN has recently realized that those pending requests use a rate that exceeds the maximum hourly rate for an attorney with 5-7 years of experience, \$300. (See D.08-04-010 at 5, 11). TURN intends to bring this matter to the Commission's attention in each of those other proceedings, and anticipates that the awarded rate for 2011 will likely be reduced to \$300.</p> |
| Comment #3 | <p>2012 Hourly Rate for TURN Attorney Hayley Goodson:</p> <p>For Ms. Goodson's 2012 rate, TURN asks the Commission to recognize that she is now in the 8-12 year experience band adopted in D.08-04-010, and that a \$325 hourly rate is appropriate given the move into this band. As the Commission recognized in D.08-04-010 at 8, moving to a higher experience level is one of the circumstances that qualifies an intervenor representative with an existing rate for a rate increase.</p> <p>Ms. Goodson is a 2003 law school graduate. She became a TURN staff attorney that same year and has worked on regulatory matters before the CPUC since that time. The requested rate of \$325 is the same that the Commission awarded for the work of Itzel</p> |

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| | <p>Berio of the GL Institute in 2005 in D.06-09-011, during her eighth year of experience as a lawyer.⁵ It is also the same as the rate awarded to California Asian Pacific Chamber of Commerce (CAPCC) for the work of David Temblador in 2010, his tenth year after obtaining his law degree but his first time appearing in CPUC proceedings or apparently working on regulatory matters related to the energy industry in California. While Ms. Goodson has slightly less post-law school experience in 2012 than Mr. Temblador had in 2010, her exclusive focus on such regulatory matters warrants valuing her experience such that a \$325 rate is appropriate.</p> <p>TURN's showing here is similar in nature and quality to the showing made in support of a requested increase of \$25 to reflect the movement of Marcel Hawiger, another TURN staff attorney, from one experience tier to the next. (See D.11-09-037 in A.09-09-013). Should the Commission believe more or different information is warranted to provide further support for this request here, TURN requests that it be so notified and given the opportunity to supplement its showing.</p> |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

D. CPUC Disallowances & Adjustments:

| # | Reason |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [1] | The Commission previously approved a rate of \$300 for Ang in 2012 in D.14-01-031. |
| [2] | The Commission previously approved a rate of \$185 for Mitchell in 2012 in D.13-06-019. |
| [3] | The Commission previously approved a rate of \$200 for Ruzovan in 2012 in D.13-09-022. |
| [4] | The Commission disallows for tasks resulting in excessive hours related to duplication of issues. ⁶ TURN staff claim many hours of work for tasks associated with reviewing documents and could have utilized this time in a more efficient manner. As such, we reduce TURN's hours spent by its attorneys and advocates/experts by 15%. |
| | |
| [5] | <p>Such reduction is consistent with the awards of intervenor compensation granted to other intervenors in this proceeding. For example:</p> <p>(1) In D.14-02-038, the Commission awarded the Greenlining Institute \$44,602.50 – a 54% reduction from the initial request.</p> <p>(2) In D.14-05-031, the Commission awarded the Brightline Defense Project \$39,380.75, which included a 25% reduction for duplication.</p> <p>(3) In D.14-06-022, the Commission awarded the Center for Accessible Technology</p> |

⁵ Ms. Berrio's rate was obtained from the Commission's web site's list of intervenor hourly rates, and her 2005 experience was obtained from the California State Bar's web site.

⁶ See Decision (D.) 13-08-022 at 33.

| | |
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| | <p>\$91,696.02, which included a 16% reduction for duplication.</p> <p>(4) In D.13-10-072, the Commission awarded Green for All \$24,716.88, which included a 25% reduction of certain hours for duplication.</p> <p>Here, the Commission determined that TURN's claimed hours were both excessive and contained duplication. The Commission therefore decided to reduce TURN's claimed award by 15%. This 15% reduction is consistent with the reductions made to other parties in this proceeding. When reductions for duplication of effort occur, the Commission must thoroughly review the documents submitted by the parties in the proceeding and ensure that reductions are applied to each intervenor in an equitable manner.</p> |
| [6] | <p>The Commission may reduce compensation for excessive hours billed for preparation of intervenor compensation request documents. <i>See e.g.</i>, D.11-07-026. The Commission believes TURN's request for compensation for preparation of intervenor compensation documents is excessive. As such, compensation is reduced to 15 hours.</p> |
| [7] | <p>TURN filed this compensation request on October 29, 2012 when, based on the documentation provided in other proceedings, it was claiming costs for copies at a rate of 20 cents per page. "TURN has previously requested and been awarded compensation for photocopying at this rate. However, after careful review, it appears that the market rate for photocopies is considerably lower than 20 cents. For example, the UPS Store on Van Ness Avenue in San Francisco charges 15 cents per page and offers discounts for volume copying. The per-page charge for 100 copies is 10 cents. Based on this, we have reduced the award for photocopying to 10 cents per page for internal copying. For future intervenor compensation requests, we ask that TURN evaluate its internal photocopy expenses taking into account local market rates including volume discounts. In addition, TURN should include information on the number of pages copied and the per page cost." <i>See</i> D.13-05-031 at 33. Here, TURN's expenses for photocopying have been halved to reflect the change in rate.</p> |

PART IV: OPPOSITIONS AND COMMENTS

| | |
|----------------------------------------------------------------------------------------------|-----|
| A. Opposition: Did any party oppose the Claim? | No. |
| B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))? | No. |

| Party | Comment | CPUC Discussion |
|-------|---------|-----------------------------------------------------------------|
| N/A | | No comments were filed regarding this proposed decision. |

FINDINGS OF FACT

1. TURN has made a substantial contribution to D.12-08-044.
2. The requested hourly rates for TURN's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$137,592.08.

CONCLUSION OF LAW

The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$137,592.08.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning January 12, 2013, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for this decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

| | | | |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----|
| Compensation Decision: | | Modifies Decision? | No |
| Contribution Decision(s): | D1208044 | | |
| Proceeding(s): | A1105017 et al. | | |
| Author: | ALJ Kimberly Kim | | |
| Payer(s): | Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company | | |

Intervenor Information

| Intervenor | Claim Date | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
|-------------------|-------------------|-------------------------|-----------------------|--------------------|-----------------------------------|
| TURN | 10/29/2012 | \$162,339.06 | \$137,592.08 | No. | Duplication of efforts. |

Advocate Information

| First Name | Last Name | Type | Intervenor | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|-------------------|------------------|-------------|----------------------------|-----------------------------|----------------------------------|---------------------------|
| Marybelle | Ang | Attorney | The Utility Reform Network | \$280 | 2011 | \$280 |
| Marybelle | Ang | Attorney | The Utility Reform Network | \$300 | 2012 | \$300 |
| Hayley | Goodson | Attorney | The Utility Reform Network | \$300 | 2011 | \$300 |
| Hayley | Goodson | Attorney | The Utility Reform Network | \$325 | 2012 | \$325 |
| Gillian | Court | Expert | The Utility Reform Network | \$150 | 2011 | \$150 |
| Cynthia | Mitchell | Expert | The Utility Reform Network | \$180 | 2011 | \$180 |
| Cynthia | Mitchell | Expert | The Utility Reform Network | \$180 | 2012 | \$185 |
| Greg | Ruszovan | Expert | The Utility Reform Network | \$195 | 2012 | \$200 |

(END OF APPENDIX)